

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DONALD DANTE BRADFORD,

Plaintiff,

v.

MARTINEZ COKE COLA REFINERY,

Defendant.

Case No. [24-cv-01444-HSG](#)

ORDER OF DISMISSAL

On March 8, 2024, the Court docketed a 6-page pleading received from Plaintiff titled “Civil Suit Against Martinez Coke Cola Refinery.” Dkt. No. 1. Because Plaintiff appeared to be seeking action from the Court, the Court opened an action pursuant to this filing. That same day, the Court sent Plaintiff deficiency notices, informing Plaintiff that the action was deficient because he did not submit the proper case-initiating forms – (1) a civil rights complaint on the civil rights complaint by prisoner form and (2) either the filing fee or an application to proceed *in forma pauperis*. Dkt. Nos. 2, 3. The Court sent Plaintiff a blank form civil rights complaint by prisoner form and a blank *in forma pauperis* application form. *Id.* The Court informed Plaintiff that, by April 5, 2024, he must submit a signed and completed complaint on the proper form and either pay the filing fee or submit a signed and completed *in forma pauperis* application, or this action would be dismissed without prejudice. *Id.* On March 29, 2024, the Court’s March 8, 2024 deficiency notices were returned to the Court as undeliverable, with the notation that Plaintiff was no longer in custody. Dkt. No. 4.


On April 10, 2024, Judge Freeman recused herself from this action and this action was reassigned to Magistrate Judge Ryu. Dkt. Nos. 5, 6. The orders of recusal and reassignment were sent to Plaintiff’s address of record. *Id.* Despite the earlier return of the court orders, the April 10,

2024 orders of recusal and reassignment appear to have reached Plaintiff as Plaintiff filed a consent to magistrate judge jurisdiction on May 28, 2024. Dkt. No. 9. The Court therefore re-sent copies of the March 8, 2024 deficiency notices to Plaintiff on May 31, 2024. The May 31, 2024 mailings have not been returned to the Court as undeliverable.

The deadline to file a complaint on the proper form and to either pay the filing fee or submit an application to proceed *in forma pauperis* has long passed, and Plaintiff has not filed the required documents. Accordingly, this action is DISMISSED for failure to submit a signed and completed complaint on the proper form, and to file a correct *in forma pauperis* application or pay the filing fee. The dismissal is without prejudice to Plaintiff filing a motion to reopen the action. Any motion to reopen must be accompanied by both (1) a signed and completed complaint on the proper form; and (2) either the filing fee or a correct application to proceed *in forma pauperis*. The Clerk shall enter judgment in favor of Defendant and against Plaintiff, and close the case.

IT IS SO ORDERED.

Dated: 7/15/2024


HAYWOOD S. GILLIAM, JR.
United States District Judge